

OIL AND GAS BOARD
OF REVIEW

APR 22 1988

BOARD OF OIL AND GAS REVIEW

DIVISION OF OIL & GAS

DEPARTMENT OF NATURAL RESOURCES, STATE OF OHIO

MEDINA COUNTY COMMISSIONERS
Administration Building
144 N. Broadway Street
Medina, Ohio 44256

Appellant

APPEAL NO. 275

vs

MICHAEL J. BIDDISON, CHIEF
Division of Oil & Gas
Ohio Department of Natural Resources
Fountain Square, Columbus
Ohio 43224

Appellee

Appearances:

For Appellant: Mr. David L. Miller
Assistant County Engineer
Medina County, Ohio

For Appellee: Anthony J. Celebrezze, Jr
Attorney General
By: Todd Musheff
Assist. Attorney General
Fountain Square, Columbus
Ohio, 43224

CERTIFIED TRUE AND CORRECT COPY

Walter G. Miller

OHIO OIL AND GAS BOARD OF REVIEW



ENTRY

This matter came on for hearing before the Oil and Gas Board of Review on March 1, 1988 in the First Floor Conference Room Building E., Fountain Square, Columbus, Ohio pursuant to a timely Notice of Appeal filed by the Appellant. The appeal was taken from the Order of the Chief, Division of Oil and Gas, # 87-327 to M & M. Drilling, dated May 19, 1987, permitting the applicant to convert the Stratton No. 2 well to an injection well.

ISSUES

The general issue raised in this Appeal is whether the Chief of the Division of Oil and Gas lawfully and reasonably issued the permit to convert the Stratton No. 2 well, Chatham Township, Medina County, Ohio to an injection well for the purposes of enhanced recovery of oil from the Berea Sandstone reservoir pursuant to the provisions of O.R.C 1509.21?

BACKGROUND

The appellant, Medina County Commissioners, by letter dated June 1, 1987 appealed to the Board of Oil and Gas Review objecting to the issuance of the permit to convert. In raising the appeal, the Commissioners presented areas of concern related to public health, safety and related matters. Specifically, they cited existing reports that indicated that oil and gas wells drilled many decades ago have been abandoned and some may not have been adequately plugged. Further the Commissioners raised the question of the possibility of contamination of aquifers by the saltwater to be injected. Their appeal was stated to be based on the past history of contamination to groundwater in

Chatham Township area and that in their opinion, there are no guarantees provided that the operation will not threaten the public health and welfare.

At the hearing before the Board, Mr. David Miller, Assistant County Engineer, appeared as a lay witness, without counsel to express the concerns of the Commissioners. Mr. Miller presented copies of parts of two groundwater studies and a map he had redrawn. He presented no expert testimony and testified to no observations of his own in support of the position of the Commissioners. In response to questions by Appellee's counsel, Mr. Miller agreed that there was no reason to believe that the Chief had not complied with the applicable provisions of the Ohio Revised Code or Ohio Administrative Code in making his decision.

Mr. J. Sloup, a geologist and expert witness from the UIC section, Division of Oil and Gas presented the basis for the conclusions of the Chief, which were that after investigation of the required area of review, it was determined by the Chief that the injection will not result in the presence of any contaminant in groundwater that supplies or can reasonably be expected to supply any public water system such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony of the witnesses and the documents submitted and accepted by the Board, the Board makes the

following findings of fact:

1. The appellants, Medina County Commissioners, presented no probative, relevant testimony in support of their appeal.

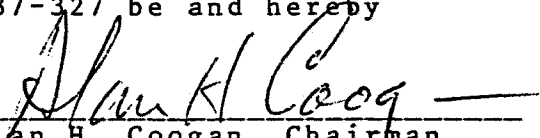
2. The findings of the Chief, Division of Oil and Gas were supported by investigation of the wells in the area of review by personnel of the UIC which served as the basis for the Chief's determination, as required by law and regulation.

3. No evidence was presented which tended to show the decision of the Chief was unreasonable or unlawful.

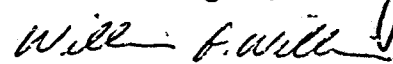
4. The Order of the Chief, No. 86-327 is found by the Board to have been lawful and reasonable.

Based on these findings of fact and conclusions of law, the Board of Oil and Gas Review

ORDERS, that Appeal 275 is hereby DISMISSED .
and that the Adjudication Order No. 87-327 be and hereby
is AFFIRMED.



Alan H. Coogan, Chairman



William G. Williams, Secretary



John J. Carney